

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID B. NEWMAN and IRA F/B/O
DAVID NEWMAN- PERSHING LLC as
Custodian, on behalf of themselves and all
Others Similarly Situated, and Derivatively on
behalf of FM LOW VOLATILITY FUND,
L.P.,

Plaintiffs,

v.

FAMILY MANAGEMENT CORPORATION;
SEYMOUR W. ZISES; ANDREA L.
TESSLER; ANDOVER ASSOCIATES LLC I;
ANDOVER ASSOCIATES MANAGEMENT
CORP.; BEACON ASSOCIATES LLC I;
BEACON ASSOCIATES MANAGEMENT
CORP.; JOEL DANZIGER, HARRIS
MARKHOFF; IVY ASSET MANAGEMENT
CORP.; THE BANK OF NEW YORK
MELLON CORPORATION; MAXAM
ABSOLUTE RETURN FUND, LP; MAXAM
CAPITAL MANAGEMENT LLC; MAXAM
CAPITAL GP, LLC; MAXAM CAPITAL
MANAGEMENT LIMITED; SANDRA
MANZKE; and JOHN DOES 1-100,

Defendants,

and FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant.

1:08-cv-11215 (LBS)

ECF Case

Oral Argument Requested

CERTIFICATE OF SERVICE

I, Jonathan D. Cogan, hereby certify that on December 17, 2010, I caused the
following documents to be electronically filed:

MEMORANDUM OF LAW IN SUPPORT OF MAXAM CAPITAL MANAGEMENT
LLC, MAXAM CAPITAL GP LLC, MAXAM CAPITAL MANAGEMENT LIMITED,
AND SANDRA MANZKE'S OPPOSITION TO PLAINTIFFS' MOTION TO ALTER
OR AMEND THE JUDGMENT AND TO AMEND THE COMPLAINT

DECLARATION OF CARRIE A. TENDLER IN SUPPORT OF MAXAM CAPITAL MANAGEMENT LLC, MAXAM CAPITAL GP LLC, MAXAM CAPITAL MANAGEMENT LIMITED AND SANDRA MANZKE'S OPPOSITION TO PLAINTIFFS' MOTION TO ALTER OR AMEND THE JUDGMENT AND TO AMEND THE COMPLAINT

with the Clerk of Court using the CM/ECF system, which will send notification of such filing electronically to registered counsel. Pursuant to that notification, a true and exact copy of the foregoing will also be mailed by Federal Express overnight delivery to any party or counsel not receiving electronic service from CM/ECF.

Dated: New York, New York
December 17, 2010

KOBRE & KIM LLP

s/ Jonathan D. Cogan

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Management LLC, MAXAM Capital GP
LLC, MAXAM Capital Management
Limited, and Sandra Manzke*

To: All Counsel of Record